

### **REMARKS/ARGUMENTS**

Claims 1-9 are pending herein, claim 1 being independent and claims 10-14 having been withdrawn from consideration. By the amendments above, the claims have been amended to place them in better form for consideration, and to conform to accepted U.S. grammar, practice and idiom. It is believed that the amendments are cosmetic only, and have introduced no new matter. Claim 6 has been cancelled, and the subject matter thereof re-presented as new independent claim 16. A new claim 15 has been added to present subject matter cancelled from claim 9.

In the pending Office Action, the Examiner rejected claims 1-9 under 35 U.S.C. § 112, second para., as indefinite for use of the phrase “which may be more or less complex”. By the amendment above, this phrase has been deleted from claim 1, and so it is believed that the rejection has been mooted. Withdrawal thereof is therefore respectfully solicited.

The Examiner also rejected claims 1-3 and 7-9 under 35 U.S.C. § 103(a) as allegedly obvious over United States Patent No. 4,673,814 (Schroeder, *et al.*); and claims 4 and 5 as obvious over Schroeder, *et al.* in view of United States Patent No. 4,831,233 (Gordon). Claim 6 was indicated as presenting allowable subject matter if presented in independent form, correcting the deficiency of claim 1 discussed above and providing an antecedent for the term “open jet” used therein.

Claim 6 has been cancelled and re-presented as new independent claim 16, which presents the subject matter thereof, with the missing antecedent noted by the Examiner provided and all deficiencies remedied. It is therefore submitted that new claim 16 is allowable in view of the Examiner’s position in the Office Action.

The following description of the invention is taken from the specification and is provided for the convenience of the Examiner. It is not intended to argue limitations not present in the claims or

to argue for any interpretation of any term that that would be more narrow than would be understood by one of ordinary skill in the art based upon a full and complete reading of the specification.

The invention is directed to a method for making a closed container in a hostile environment. The container is made up of two components: a cylindrical or prismatic body and a mating cover. The body includes a base with a wall extending parallel to an axis of the body. The cover has an outer wall that is also parallel to the axis, and which mates with the interior of the body. The assembly is performed by first docking the cover and base together, and then welding them together with a continuous penetrative weld. As clearly defined by the specification, this weld is one in which the two components welded together do not overlap and in which the weld extends substantially completely through the thicknesses of the material being welded (*see*, specification, para. [0023] as published)). In a preferred embodiment of the invention (claim 7), the container is placed vertically, and the weld is horizontal.

This method differs from that shown in Schroeder, *et al.*

Schroeder, *et al.* disclose a closed container for disposing of hazardous waste, and a method of making such a container. The container, however, differs from that of the instant invention, and thus the method of making the container also differs. According to Schroeder, *et al.*, the cover and body of their container have generally mating *conical* surfaces which overlap and are sealed by a fillet weld (col. 2, lines 21-32). Schroeder, *et al.* do more than merely show (and repeatedly describe) the two pieces as having mating conical surfaces – they stress the importance of the conical configuration of their invention:

“By means of the conical configuration of the two surfaces which are pressed against each other, namely, the conical surface of the vessel and the peripheral surface of the sealing cover, a considerable improvement in the seal between the inner wall of the vessel and the sealing cover is obtained. The conical

sealing surfaces are responsible for the improvement in the seal of the connection between sealing cover and vessel.” (col. 2, lines 11-18)

Thus, Schroeder, *et al.* expressly and emphatically teach away from using parallel axial surfaces for the seal, with no overlapping of the body and the cover, and there would be no reason for one of ordinary skill in the art to modify the method disclosed so clearly by Schroeder, *et al.* to practice the method claimed herein. Thus, the invention as claimed is patentably distinct from the method disclosed by Schroeder, *et al.*

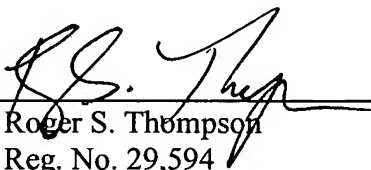
With respect to claim 7, it is also noted that it would be impossible to have a horizontal weld between two conical inclined surfaces if the container was in the vertical position, and so there is also no basis for finding that Schroeder, *et al.* could disclose the use of a horizontal weld as claimed.

The addition of the remaining references applied by the Examiner fail to overcome these deficiencies in Schroeder, *et al.*, and could not be combined therewith in any event to overcome the clear and express teachings thereof so as to result in the invention as claimed.

Accordingly, it is submitted that the invention as claimed is not obvious from the references applied by the Examiner, and so the rejections should be withdrawn.

It is believed that no fees or charges are required at this time in connection with the present application. However, if any fees or charges are required at this time, they may be charged to our Patent and Trademark Office Deposit Account No. 03-2412.

Respectfully submitted,  
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